

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: ELECTRIC AND PIPELINE PROCEDURES	DOCKET NO. RMU-99-4
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ORDER ADOPTING RULES

(Issued October 5, 1999)

Pursuant to the authority of IOWA CODE §§ 17A.4, 476.1, 476.2, 478.20, 479.17, and 479A.10 (1999), the Utilities Board adopts the amendments attached hereto and incorporated by reference. These rules amend IOWA ADMIN. CODE 199-2.4, 7.1, 10.2(1), 10.17, 11.2(3)"d," 11.2(8), 13.2(1)"g," 19.2(5)"g," 19.5(2), 20.5(2)"b," 25.2(1), 25.2(2), 25.2(5)"a" (1999). The Board's reasons for proposing these amendments are set forth in the attached notice of intended action.

IT IS THEREFORE ORDERED:

1. A rule making, identified as Docket No. RMU-99-4, is adopted.

2. The Executive Secretary is directed to submit for publication in the Iowa Administrative Bulletin a notice in the form attached to and incorporated by reference in this order.

UTILITIES BOARD

/s/ Allan T. Thoms

/s/ Susan J. Frye

ATTEST:

/s/ Raymond K. Vawter, Jr. /s/ Diane Munns
Executive Secretary

Dated at Des Moines, Iowa, this 5th day of October, 1999.

UTILITIES DIVISION [199]

Adopted and Filed

Pursuant to Iowa Code sections 17A.4, 476.1, 476.2, 478.20, 479.17, and 479A.10 (1999), the Utilities Board (Board) gives notice that on October 5, 1999, the Board issued an order in Docket No. RMU-99-4, In re: Electric and Pipeline Procedures, "Order Adopting Rules."

On April 30, 1999, the Board issued an order to consider adopting amendments to 199 IAC 2.4(17A, 474), 7.1(1), 10.2(1), 10.12(1), 10.17(479), 11.2(3)"d," 11.2(8), 13.2(1)"g," 19.2(5)"g," 19.5(2), 20.5(2)"b," 25.2(1), 25.2(2), and 25.2(5)"a" (1999). The proposed rule making was published in the IAB Vol. XXI, No. 24 (5/19/99) p. 2818, as ARC 9027A. Written statements of position were filed by the Consumer Advocate Division of the Department of Justice (Consumer Advocate), Alliant Utilities (Alliant), MidAmerican Energy Company (MidAmerican), and the Iowa Environmental Group (IEG) on or before June 8, 1999. An oral presentation was held on July 7, 1999.

In written comments, MidAmerican questioned whether the deletion of the forms for temporary construction permits was inadvertent or if the forms were no longer required. The electric franchise petition forms were revised to reflect rules adopted on June 30, 1993, In Re: Electric Transmission Lines, in Docket No. RMU-92-13. The new form provided a place to request a temporary construction permit and separate request forms were eliminated.

MidAmerican also contended the second paragraph of subrule 7.1(1) duplicated rule 1.3 and questioned whether it would impact the ability to request a waiver. The addition of the language to subrule 7.1(1) will not impede the waiver process. However, the phrase "pursuant to 199 IAC 1.3" will be added to subrule 7.1(1) for clarification.

MidAmerican contended the requirement in subrule 10.2(1) concerning attaching copies of the mailed notice letter and the published notices to the Exhibit G affidavit was an unnecessary procedural step. Alliant objected to the requirement. Alliant asserted the informational notice is approved prior to mailing and the actual published notice is verified at the meeting site. Alliant stated that the inclusion of these documents would add no value to the petition. However, there is no prior formal approval process for the notices. Any informal review by staff would not constitute Board approval. Currently, there is no requirement to file copies of the mailed and published notice with the Board. The adequacy of the notices is frequently an issue in pipeline permit proceedings. Therefore, copies of the mailed and published notice should be in the record of the proceeding. The subrule will be adopted as proposed.

MidAmerican and Alliant opposed proposed paragraph "d" of subrule 11.2(3) regarding the name and corporate limits of cities, and the name and boundaries of any public lands or parks. MidAmerican contended the subrule required excessive detail. MidAmerican claimed the phrase "public lands or parks" was too broad and suggested the subrule be more specific. Alliant maintained

obtaining boundary information would be onerous and suggested the rule be changed. Alliant contended the names of the parks were shown on the base maps it used for filings but the maps did not show the park boundaries. Alliant argued that showing the boundaries on the map provides no special protection for such areas. Alliant asserted that even with the rule, appropriate permits and easements would still be necessary.

The proposed subrule is identical to the current rules for pipeline permit petitions. The Board is unaware of any difficulties with companies providing the information on maps for pipeline permits. Alliant contended the boundary information required by the subrule may not be readily available and suggested alternative language. Under Alliant's proposed language, the map would only indicate a park in the vicinity of an electric line route and would not show boundaries. A map without boundaries would not address concerns regarding whether the route passed through the area or of how close the route is to the park.

The Department of Natural Resources in 571 IAC chapters 52 and 61 reference state parks and recreational areas, preserves, and wildlife refuges. To make the subrule more specific and less burdensome, the Board will add a new paragraph to the subrule requiring the names and boundaries of any public parks, recreational areas, preserves, or wildlife refuges only with petitions proposing construction of a new electric line or relocation of an existing line.

MidAmerican and Alliant again expressed concern regarding the requirement set forth in subrule 11.2(8) to file copies of the mailed letter and published notice along with the affidavit with Exhibit G for an electric franchise petition.

MidAmerican sought assurances that a "typical" or "model" letter would satisfy the requirements of the subrule instead of copies of the letter sent to each individual. The intent of the rule was to file with the Board a copy of the mailed notice letter and a copy of the published notices. Filing a copy of the "model" or "typical" notice letter will satisfy the requirement set forth by the subrule.

Currently in subrule 25.2(1) the Board adopted American National Standards Institute (ANSI) C2-1997 "National Electric Safety Code" (NESC). The NESC is used to evaluate safety and proper installation of electrical facilities. The Board proposed to amend the subrule to exclude Part 4 of the NESC which concerns general work rules (use of tools, duties of supervisors, protective gear, etc.) for utility company employees. The Iowa Environmental Group (IEG) opposed the exemption of Part 4. IEG asserted excluding Part 4 would decrease the safeguarding of public safety.

Very little of Part 4 is applicable to public safety. The few areas in Part 4 where public safety is involved are issues such as signs and barricades for controlling traffic or at excavations, guarding downed power lines, and escorting visitors. Part 2 of the NESC, however, does address worker safety applications, such as design and installation of wires and equipment concerning adequate working space for installation and maintenance. The requirements in Part 2

address physical facilities and not the on the job performance of workers as in Part 4.

Board staff routinely inspects the design, installation, and physical condition of facilities for safety code compliance and serviceability. The staff does not normally observe work in progress nor review utility employee work rules. The deletion of Part 4 will make the rules consistent with the Board's actual inspection practices. Contrary to IEG's assertions, the deletion of Part 4 will not deprive workers and the public of the protection to which they are entitled. The safety of the workers and the public will be ensured by the Occupational Health and Safety Administration's standards. The subrule will be adopted as proposed.

These amendments are intended to implement Iowa Code chapters 476, 478, 479, and 479A.

These amendments will become effective December 8, 1999.

The following amendments are adopted.

Item 1. Rescind rule 199-2.4(17A,474) and adopt the following new rule in lieu thereof:

199-2.4(17A,474) Forms. The following forms for proceedings under Iowa Code chapters 478, 479, and 479B are available upon request:

1. Petition for Electric Line Franchise.
2. Petition for Amendment of Electric Line Franchise.

3. Petition for Extension of Electric Franchise.
4. Exhibit C, Overhead Transmission Line: Typical Engineering Specifications.
5. Exhibit C-UG, Engineering Specifications for Underground Transmission Line.
6. Petition for Permit to Construct, Operate, and Maintain a Pipeline.
7. Petition for Renewal of Permit to Construct, Operate, and Maintain a Pipeline.
8. Exhibit C, Specifications for Pipeline.
9. Petition for Permit for Hazardous Liquid Pipeline.

Item 2. Amend subrule 7.1(1) as follows:

Procedure governed. These rules are promulgated under Iowa Code chapter 476 as guides for practice and procedure thereunder before the Iowa utilities board (hereinafter referred to as "board") unless otherwise ordered by the board in any proceeding, and subject to such special rules, or amendments thereto which may hereafter be adopted.

No rule of the board shall in any way relieve a utility from any of its duties under the law of this state.

Except for rules 7.8(476) and 7.9(476), none ~~None~~ of the procedures provided for herein shall apply to electric transmission line hearings under chapter 478 or to pipeline and underground gas storage hearings under chapter 479 or 479B.

The purpose of these rules is to facilitate the transaction of business before the board and to promote the just resolution of controversies. Consistent with this purpose, the application of any of these rules, unless otherwise provided by law,

may be waived by the board pursuant to 199 IAC 1.3 to prevent undue hardship to a party to this proceeding.

Item 3. Amend subrule 10.2(1), paragraph "g," as follows.

g. Exhibit "G." If informational meetings were required, an affidavit that such meetings were held in each county affected by the proposed project and the time and place of each meeting. Copies of the mailed notice letter and the published notice(s) of the informational meeting shall be attached to the affidavit.

Item 4. Amend subrule 10.12(1), paragraphs "a" through "d," as follows:

a. 49 CFR Part 191, "Transportation of Natural and Other Gas By Pipeline; Annual Reports, Incident Reports, and Safety-Related Condition Reports," as amended through ~~April 1, 1997~~ April 30, 1999.

b. 49 CFR Part 192, "Transportation of Natural and Other Gas By Pipeline; Minimum Federal Safety Standards," as amended through ~~April 1, 1997~~ April 30, 1999.

c. 49 CFR Part 195, "Transportation of Hazardous Liquids By Pipeline," as amended through ~~April 1, 1997~~ April 30, 1999.

d. 49 CFR Part 199, "Drug Testing," as amended through ~~April 1, 1997~~ April 30, 1999.

Item 5. Amend rule 199-10.17(479) as follows:

199—10.17(479) Accidents and incidents. Any pipeline incident or accident which is reportable to the U.S. Department of Transportation under 49 CFR Part 191 or Part 195 as amended through ~~September 1, 1994~~ April 30, 1999, shall also be

reported to the board, except that the minimum economic threshold of damage required for reporting to the board is \$15,000. Duplicate copies of any written accident reports and safety-related condition reports submitted to the U.S. Department of Transportation shall be provided to the board.

Item 6. Amend subrule 11.2(3), paragraph "d," add new paragraph "e," and reletter the remaining paragraphs as follows:

- d. ~~The corporate limits of cities.~~ The name and corporate limits of cities.
- e. The name and boundaries of any public lands or parks, recreational areas, preserves or wildlife refuges. This information need only be provided with petitions proposing construction of a new electric line or relocation of an existing electric line.

Item 7. Amend subrule 11.2(8) as follows:

11.2(8) Exhibit G. The affidavit required by Iowa Code section 478.3 on the holding of an informational meeting. Copies of the mailed notice letter and the published notice(s) of the informational meeting shall be attached to the affidavit.

This exhibit is required only if an informational meeting was conducted.

Item 8. Amend subrule 13.2(1), paragraph "g," as follows:

g. Exhibit "G." If informational meetings were required, an affidavit that such meetings were held in each county affected by the proposed project and the time and place of each meeting. Copies of the mailed notice letter and the published notice(s) of the informational meeting shall be attached to the affidavit.

Item 9. Amend subrule 19.2(5), paragraph "g," as follows:

g. Reports to federal agencies. Copies of reports submitted pursuant to 49 CFR Part 191 as amended through ~~April 1, 1997~~ April 30, 1999, "Transportation of Natural and Other Gas By Pipeline: Annual Reports, Incident Reports, and Safety-Related Condition Reports," shall be filed with the board. Utilities operating in states besides Iowa shall provide to the board data for Iowa only.

Item 10. Amend subrule 19.5(2) as follows:

19.5(2) Standards incorporated by reference.

a. The design, construction, operation, and maintenance of gas systems and liquefied natural gas facilities shall be in accordance with the following standards where applicable:

(1) 49 CFR Part 191, "Transportation of Natural and Other Gas By Pipeline; Annual Reports, Incident Reports, and Safety-Related Condition Reports," as amended through ~~April 1, 1997~~ April 30, 1999.

(2) 49 CFR Part 192, "Transportation of Natural and Other Gas By Pipeline; Minimum Federal Safety Standards," as amended through ~~April 1, 1997~~ April 30, 1999.

(3) 49 CFR Part 193, "Liquefied Natural Gas Facilities: Federal Safety Standards," as amended through ~~April 1, 1997~~ April 30, 1999.

(4) 49 CFR Part 199, "Drug Testing," as amended through ~~April 1, 1997~~ April 30, 1999.

(5) ASME B31.8 - 1995, "Gas Transmission and Distribution Piping Systems."

(6) ANSI/NFPA No. 59 - ~~1995~~ 1998, "Standard for the Storage and Handling of Liquefied Petroleum Gases at Utility Gas Plants."

b. The following publications are adopted as standards of accepted good practice for gas utilities:

(1) ANSI Z223.1/NFPA 54 - 1996, "National Fuel Gas Code."

(2) ANSI A225/NFPA 501A - ~~1992~~ 1997, "Fire Safety Criteria for Manufactured Home Installations, Sites, and Communities."

Item 11. Amend subrule 20.5(2), paragraph "b," as follows:

b. National Electrical Code, ANSI/NFPA 70 - ~~1996~~ 1999.

Item 12. Amend subrule 25.2(1) as follows:

25.2(1) *National Electrical Safety Code.* The American National Standards Institute (ANSI) C2-1997 "National Electrical Safety Code" (NESC) as ultimately conformed to the ANSI-approved draft by correction of publishing errors through issuance of printed corrections is adopted as part of the Iowa electrical safety code, except Part 4, "Rules for Operation of Electric Supply and Communications Lines and Equipment," which is not adopted by the board.

Item 13. Amend subrule 25.2(2) by adopting a new paragraph "*f.*"

f. There is added to the first paragraph of Rule 110.A.1, after the sentence stating, "Entrances not under observation of an authorized attendant shall be kept locked," the following sentence:

Entrances may be unlocked while authorized personnel are inside. However, if unlocked, the entrance gate must be fully closed, and must also be latched or fastened if there is a gate-latching mechanism.

Item 14. Amend subrule 25.2(5), paragraph "a," as follows:

a. The "National Electrical Code," ANSI/NFPA 70 - ~~1996~~ 1999, is adopted as a standard of accepted good practice for customer owned electrical facilities beyond the utility point of delivery.

October , 1999

/s/ Allan T. Thoms
Allan T. Thoms
Chairperson